

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 1st day of December, 2014 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor
 Vickie Abrego Mayor Pro Tem
 Ramiro Gomez Council Member
 Billy Ellis Council Member
 Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
 Sylvia Carrillo City Manager
 Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Bill Haines EMC/Harbor Master
 Eric Blanchard Police Chief
 Donna Cox Finance
 Jeff Martin I.T.
 Rickie Kilgore Fire Chief
 Brooke Ostrom Social Media Intern

OTHERS PRESENT: Donald Brummett, Steven Warren, Carol Salinas, Eric Villarreal & Johnny Perales/LNV Engineering, Rosemary Vega/ Chamber of Commerce, Maria Brooks, Richard Palmietto, Nancy Summers, Pat Veteto/RVE Engineering, Andrew Friedman/Southwest Securities, and Patsy Lawrence.

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Chapa opened the meeting at 7:00 P.M.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Chapa led the Invocation and the Pledge of Allegiance to the United States Flag.

3. **CONSENT AGENDA – “ALL OF THE FOLLOWING ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED WITH ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILMEMBER SO REQUESTS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY”.**

- A. **MINUTES OF NOVEMBER 17, 2014.**
- B. **RESOLUTION NO. 2014-745 - SUIT NO. A-07-3063-TX-A; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, CITY OF ARANSAS PASS AND ARANSAS COUNTY VS JEFFREY A. DUAY, ET AL TRACT NO. 1: ACCT. NO. 0149-389-002-000, R12477; LOT 2, BLOCK 389, CITY OF ARANSAS PASS, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 41, MAP RECORDS OF ARANSAS COUNTY, TEXAS. BID AMOUNT \$610.00; AMOUNT FOR CITY IS \$170.93.**
- C. **RESOLUTION NO. 2014-746 - SUIT NO. A-07-3063-TX-A; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, CITY OF ARANSAS PASS AND ARANSAS COUNTY VS JEFFREY A. DUAY, ET AL TRACT NO. 2: ACCT. NO. 0149-389-004-000, R12479; LOTS 4, 5, 6, 7, 8, AND 9, BLOCK 389, CITY OF ARANSAS PASS, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 41, MAP RECORDS OF ARANSAS COUNTY, TEXAS. BID AMOUNT \$3,680.00; AMOUNT FOR CITY IS \$912.70.**
- D. **RESOLUTION NO. 2014-747 - SUIT NO. A-07-3063-TX-A; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, CITY OF ARANSAS PASS AND ARANSAS COUNTY VS JEFFREY A. DUAY, ET AL TRACT NO. 3: ACCT. NO. 0149-389-013-000, R74439; LOTS 13 AND 14, BLOCK 389, CITY OF ARANSAS PASS, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 41, MAP RECORDS OF ARANSAS COUNTY, TEXAS. BID AMOUNT \$1,230.00; AMOUNT FOR CITY \$353.07.**
- E. **CONSIDER AND ACT ON ORDINANCE NO. 2014-4095 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO KYLE ALSTON TO OPERATE A BOAT DOCK OR MOORING BUSINESS AT 2200 E. HIGHWAY 361, ARANSAS PASS, TEXAS, SUBJECT TO CONDITIONS SET FORTH.**

Motion Made By: Council Member Hyatt
Seconded By: Council Member Ellis
Votes: Aye Hyatt, Ellis, Abrego, Gomez, Chapa

Discussion: Council Member Hyatt made a motion to approve the consent agenda with a correction to Item E – Ordinance No. 2014-4095 should read as Ordinance No. 2014-4096. Council Member Ellis seconded the motion and the motion carried unanimously.

4. CITIZENS' COMMENTS.

Name: Carol Salinas

Address: Aransas Pass

Concern: Water district is raising water rates and some citizens in Aransas Pass live on a limited budget.

Departments Affected: Water Department

Name: Steve Warren

Address: Aransas Pass

Concern: Lot on the corner of Pryor and Houston needs to be mowed and is still having a dog problem in his neighborhood.

Departments Affected: Code Enforcement and Animal Control.

Name: Joseph Kellem

Address: Aransas Pass

Concern: Mr. Kellum stated his son passed away and it took Halo flight three hours to get his son to the hospital. Halo flight arrived half an hour after being called and Mr. Keller beat Halo flight to the hospital. He also stated there were 3 aggressive pit bulls in the Praire View Cemetery vicinity.

Departments Affected: San Patricio County

5. CONSIDER AND ACT ON AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF ARANSAS PASS, TEXAS COMBINATION TAX AND LIMITED PLEDGE REVENUE CERTIFICATES OF OBLIGATION, SERIES 2015"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AND INVESTMENT LETTER; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENTS WITH THE CITY'S FINANCIAL ADVISORS AND/OR BOND COUNSEL; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Hyatt

Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: Mr. Andrew Friedman with Southwest Securities stated he had received 4 bids by 11:00 AM this morning with the winning bid of 1.89% from TIB (The Independent Bankers) Bank, Texas based. He stated there would be no annual paying agent registrar fee resulting in cost savings with total interest of \$170,000 paid back. He stated the Certificates of Obligation would be paid from 4 different sources: fire truck paid by Fire Safety Assessment Fees; drainage equipment paid by Drainage Funds; utility equipment paid by Utility Fund; and fleet vehicles paid by Ad Valorem Taxes. He stated fleet vehicle purchase debt was structured so there would not be an increase in taxes. He stated the funds \$2,240,000 (for all four projects) would be available by January 6, 2015.

Mayor Pro Tem Abrego made a motion to approve an ordinance authorizing the issuance of "City of Aransas Pass, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2015"; providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the city and further securing said certificates by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance; authorizing the execution of a paying agent/registrar agreement and a purchase and investment letter; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; authorizing the execution of any necessary engagement agreements with the city's financial advisors and/or bond counsel; and providing for an effective date.

6. CONSIDER AND ACT ON THE PURCHASE OF FIVE FIBERGLASS FLAG POLES AND FIVE FLAGS FOR A TOTAL OF \$7,867.00 FROM A WAVELL FLAGPOLE FOR INSTALLATION AT VETERANS' MEMORIAL PARK.

Motion Made By: Council Member Hyatt

Seconded By: Council Member Gomez

Votes: Aye Hyatt, Gomez, Abrego, Ellis, Chapa

Discussion: Council member Hyatt made a motion to approve purchase of five fiberglass flag poles and five flags for a total of \$7,867.00 from Wavell Flagpole for installation at Veterans Memorial Park. Council Member Gomez seconded the motion and the motion carried unanimously.

7. CONSIDER AND ACT ON APPROVAL OF A SURVEY OF CONN BROWN HARBOR TO BE CONDUCTED BY RVE, INC. FOR THE COST OF \$137,492.

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Gomez

Votes: Aye Abrego, Gomez, Ellis, Hyatt, Chapa

Discussion: Mayor Pro Tem Abrego made a motion to approve a survey of Conn Brown Harbor to be conducted by RVE, Inc. for the cost of \$137,492. Council Member Gomez seconded the motion and the motion carried unanimously.

8. CONSIDER AND ACT ON A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN ROCKPORT WIFI AND THE CITY OF ARANSAS PASS.

Motion Made By: Council Member Ellis
Seconded By: Council Member Hyatt
Votes: Aye Ellis, Hyatt, Abrego, Gomez, Chapa
Nay

Discussion: City Manager Carrillo stated the MOU would be a 2 year agreement. I.T. Manager Jeff Martin stated Aransas Pass citizens would have better internet connections.

Council Member Ellis made a motion to approve a Memorandum of Understanding between Rockport WiFi and the City of Aransas Pass. Council Member Hyatt seconded the motion and the motion carried unanimously.

9. CONSIDER AND ACT ON AMENDING SECTION 3.3 ATTENDANCE, SUB-ITEM (B4) OF THE CITY PERSONNEL POLICY TO REFLECT PROPOSED CHANGES TO THE CURRENT FIRE DEPARTMENT PAY SCHEDULE.

Motion Made By: Council Member Hyatt
Seconded By: Council Member Gomez
Votes: Aye Hyatt, Gomez, Abrego, Ellis, Chapa

Discussion: City Manager Carrillo stated this was a housekeeping item.

Council Member Hyatt made a motion to approve amending Section 3.3 Attendance, Sub-item (B\$) of the Personnel Policy to reflect proposed changes to the Fire Department Pay Schedule. Council Member Gomez seconded the motion and the motion carried unanimously.

10. CONSIDER AND ACT ON LONG TERM CONN BROWN HARBOR LEASE AGREEMENT WITH RICHARD PALMIETTO D/B/A UNDERWATER SERVICES.

Motion Made By: Mayor Pro Tem Abrego
Seconded By: Council Member Hyatt
Votes: Aye Abrego, Ellis, Gomez, Hyatt, Chapa

Discussion: City Manager Carrillo stated Mr. Palmietto would like to lease the property fka the old Garrett Oil Site on the harbor. She stated the lease would be 5 years with a total rent of \$46,014. Mr. Palmietto stated he would like to build a privacy fence to secure the area. He stated he had been a resident of Aransas Pass for 34 years, his kids were raised here and his boats were currently in another town. He stated there were bulkhead issues and that he couldn't build on the existing foundation.

Mayor Pro Tem Abrego made a motion to approve a long term lease agreement with Mr. Richard Palmietto d/b/a Underwater Services with allowance to sub-let. Council Member Hyatt seconded the motion and the motion carried unanimously.

11. CONSIDER AND ACT ON ENTERING INTO A CONTRACT FOR DESIGN AND PRE-BID SERVICES WITH LNV ENGINEERING TO COMPLETE WATER, ROAD, AND SEWER SERVICE ALONG HIGHLAND AND JOHNSON AS PART OF PHASE 1 OF BOND 2014.

Motion Made By: Mayor Pro Tem Abrego
Seconded By: Council Member Hyatt
Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: City Manager Carrillo stated the city was on critical mode with several subdivision developments hinging on Highland having the capacity to handle new development. She stated staff was pushing to have shovels in the ground by March 2015 and everything completed by December 2015. Eric Villarreal, LNV, stated he is hoping all paperwork is completed by March 2015 and shovel in the ground by April 2015 and this kind of construction was usually 10 to 12 months. He stated he would try for December 2015.

Mayor Pro Tem Abrego made a motion to enter into an agreement for design and pre-bid services with LNV Engineering to complete water, road, and sewer services along Highland and Johnson as part of Phase I of Bond 2014. Council Member Hyatt seconded the motion and the motion carried unanimously.

12. CITY MANAGER UPDATES: SAN PATRICIO MUNICIPAL WATER DISTRICT RATE INCREASE, FM 1069 NEIGHBORHOOD MEETING, CHRISTMAS, ANN BAGLEY TRAINING, EMPLOYEE CHRISTMAS DINNER, HOLIDAY HOURS OF OPERATION

Discussion: City Manager Carrillo stated staff had not performed a survey regarding the water rate increase to determine if staff would pass on the rate increase or absorb the cost; December 4 at 6:00 PM staff will have a Neighborhood Meeting to share information on the FM 1069 Waterline Project Grant; Ethics & Planning Training on December 13th at a cost of \$30 per person, opened to all of our City of Aransas Pass Boards and anyone who would like to attend located at City Hall from 9:30 AM to 4:00 PM with lunch on your own; Employee Christmas Dinner on December 12th from 11:00 AM to 1:00 PM; reminding everyone that Civic Center and Library will be closed the week of Christmas; there will be 8 dumpsters located across the street from Dairy Queen for Trash Day on December 27th from 8:00 AM to noon; December 10th the Library is holding their Holiday Open House from 2:00

PM to 4:00 PM; with monies left over from the HEB, Allen Samuels and Tri County Donations, staff has contacted Aransas Pass I.S.D. and has learned that Aransas Pass has a high homeless population. Staff would like to have hot chocolate and gift exchange for 100 to 150 needy children, for December 11 or December 18th. City Manager Carrillo wanted to thank everyone who helped with the Thanksgiving Feast; and, the Christmas lights have arrived.

DEPARTMENT UPDATE:

Discussion: **There were no department updates.**

13. RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Mayor Chapa recessed the Open Meeting and retired to Executive Session at 7:48 PM.

A. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – CONN BROWN HARBOR

14. RECONVENE IN OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Chapa reconvened the Open Meeting at 8:44 PM.

A. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – CONN BROWN HARBOR

Motion Made By: Council Member Hyatt
Seconded By: Mayor Pro Tem Abrego
Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa

Discussion: Council Member Hyatt made a motion to approve City Manager Carrillo to continue negotiations with Conn Brown Harbor development. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

15. ADJOURNMENT OF MEETING.

Motion Made By: Mayor Pro Tem Abrego
Seconded By: Council Member Ellis
Votes: Aye Abrego, Ellis, Gomez, Hyatt, Chapa

Discussion: Mayor Pro Tem Abrego made a motion to adjourn the meeting. Council Member Ellis seconded the motion and the motion carried unanimously. Mayor Chapa adjourned the meeting at 8:45 P.M.

Adan Chapa, Mayor

Attest:

Yvonne Stonebraker, City Secretary

